



Ref: 1/2/27/2



**TERMS OF REFERENCE FOR THE APPOINTMENT OF  
A SERVICE PROVIDER TO ASSIST ICASA WITH ITS  
POPIA COMPLIANCE READINESS ASSESSMENT  
PROGRAMME**



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## 1. BACKGROUND

The Independent Communications Authority of South Africa (“ICASA” / “the Authority”) is a statutory body established in terms of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000). As part of its mandate, the Authority is responsible for regulating the electronic communications, broadcasting and postal sectors in the public interest and ensure affordable services of high quality for all South Africans.

The Authority also, amongst others, issues licences to electronic communications network services, electronic communications services and broadcasting services and type approves electronic communications equipment and registers unreserved postal services, enforces compliance with rules and regulations, protects consumers from unfair business practices and poor quality of services, hears and decides on disputes and complaints brought against licensees and controls and manages the effective use of radio frequency spectrum.

ICASA must ensure that, in executing its mandate, it does so in compliance with applicable laws.

To this end, the Authority seeks to appoint a service provider to assist with its compliance readiness programme for the POPI Act.



## **2. OBJECTIVE**

The objective of this project is to appoint a suitably qualified and experienced service provider to provide the POPI Act readiness assessment and to develop a comprehensive POPI Act implementation plan for ICASA to ensure compliance on a continuous basis as part of our privacy framework, on a risk-based approach.

## **3. EXPERTISE AND SKILLS REQUIRED**

ICASA requires the services of a qualified, experienced service provider to assist in providing the POPI Act readiness assessment and developing a comprehensive POPI Act implementation plan and execution thereof. The service provider must have proficient knowledge and experience in the General Data Protection Regulations and the POPI Act.

## **4. SCOPE OF WORK & OUTPUTS**

The service provider will be required to provide the POPI Act readiness assessment and develop a comprehensive POPI Act implementation plan and ensure the following key outputs/deliverables:

1. Develop a Privacy Framework that encompasses relevant Policies, Processes, Procedures, compliance Checklists, contracting templates (for Third Party and Employment) and POPIA Act compliant privacy notice (for ICASA website purposes);
2. Develop a Risk management plan on the implementation of POPIA;
3. Revise the PAIA manual to align with requirement of POPIA;
4. Provide contracting templates (Third Party and Employment);
5. An independent analysis of ICASA operations throughout the various divisions and identify information that constitutes personal information for purposes of POPIA

and assess the current methods of processing, storing and disposing of personal information in contrast to the requirements of POPIA and identify all gaps thereto;

6. Develop a POPIA implementation plan that encompasses the following:
  - 6.1 POPI Act briefing session with the Information Officer and 18 Deputy Information Officers on the applicability of the POPI Act with particular focus on their roles, responsibilities and accountability imposed by the POPI Act, and the impact of the POPI Act on the organisation.
  - 6.2 Develop a report on the abovementioned activities which prioritises the high-risk POPIA requirements, and which includes short, medium and long-term action plans, proposed Policy interventions and systems that may be procured to effectively manage the processing of personal information including the tools to assist ICASA on implementation of POPIA Programme; and
  - 6.3 Develop awareness material for POPIA compliance and provide training to ICASA management and staff (Approximately 332, including Councillors in 4 workshops).

## **5. BENEFITS OF THE PROJECT**

The implementation of this project will contribute towards building ICASA's capacity to ensure continuous compliance with the POPI Act.

## **6. MANDATORY REQUIREMENTS**

The assessment team of the bidder must all be South African citizens – attach proof of certified ID copies for all team members.

## 7. MANDATORY REQUIREMENTS

The bid will be advertised for 21 calendar days in the Government Tender Bulletin, E-Tender Portal and ICASA's Website on an 80/20 procurement principle.

Bidders will be evaluated on; (a) submission of the required compliance documents, (b) functionality, (c) price and BBBEE.

Only the bidders who meet cut-off score of 70 out of 100 points will be evaluated further for price and BBBEE evaluation.

All bid proposals submitted will be evaluated following the 80/20 procurement principle as prescribed by National Treasury Regulations.

## 8. FUNCTIONALITY CRITERIA

**Bidders will be evaluated on functionality after which they will be evaluated on prices.**

No.	Functionality: Pre-qualification criteria	Score out of 100
1.	<p>Reference letters on letterheads as evidence of POPIA Compliance assessment previously conducted:</p> <p>1.1. Four (+4) or more reference letters attached on the letter heads of the referee = 5 points.</p> <p>1.2. Three (3) reference letters attached on the letter heads of the referee = 4 points.</p> <p>1.3. Two (2) reference letters heads of the referee=3 points</p> <p>1.4. One (1) reference letter attached on the letter head of the referee = 2 points.</p>	40

	1.5. Zero or irrelevant reference letters attached on the letter head=1 point	
<b>2.</b>	<p><b>Experience</b></p> <p>Must provide a detailed CV or any evidence detailing the required experience by the lead consultants/project leader/manager in either of the following:</p> <ul style="list-style-type: none"> <li>-Risk assessment;</li> <li>-Compliance or legal assessments;</li> <li>-Quality assurance assessments; and</li> <li>-Legislative assessments</li> </ul> <p>2.1. +10 year = 5 points</p> <p>2.2. 5-9 years = 4 points</p> <p>2.3. 2-4 years = 3 points</p> <p>2.4 1-12 months = 2 points</p> <p>2.5 No CV attached and or irrelevant experience = 1 point</p>	<b>25</b>
<b>3.</b>	<p><b>Experience -POPIA Compliance</b></p> <p>Must provide a detailed CV or any evidence detailing the required experience in POPIA assessments by lead consultants/project manager/leader):</p> <p>3.1 5 years and more = 5 points</p> <p>3.2 4 years = 4 points</p> <p>3.3 3 years =3 points</p> <p>3.4. 2 years =2 points</p> <p>3.5 Less than two years' experience or CV/evidence not attached = 1 point</p>	<b>35</b>
	<b>Total</b>	<b>100</b>



## **9. TIMEFRAMES**

The successful bidder firm will deliver on all the key deliverables within sixty (60) working days after the contract is signed by both parties.

## **10. TECHNICAL INQUIRIES**

Any technical inquiries related to the Request for quotation should be sent via email to [mmaenetja@icasa.org.za](mailto:mmaenetja@icasa.org.za) Responses to the technical inquiries will be made via email.